

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office on January 18, 2008 at or before 11:59 p.m. Pacific Time under the Rules of 37 CFR § 1.8.


Vickie D. Wall

Applicant : Martin Bergsmann, et al. Confirmation No. 1968
Application No. : 10/566,144
Filed : January 27, 2006
Title : DEVICE FOR THE STORAGE OF SOLID AND/OR LIQUID AND/OR
GASEOUS OBJECTS
Grp./Div. : 2612
Examiner : Jennifer Mehmood
Docket No. : 57036/M521

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
January 18, 2008

Commissioner:

In reviewing our Deposit Account Statement (No. 03-1728) for September 2007, we noted a charge for the above-referenced patent application as follows:

09/25 1 10566144 57036/M521 1202 \$250.00

The \$250.00 charge appears to be for additional claim fees due when we filed a Supplemental Preliminary Amendment on March 14, 2007 (a copy of the Transmittal Letter is enclosed as Exhibit A).

When the application was filed on January 27, 2006 (copy of transmittal letter enclosed as Exhibit B) we paid for 25 claims.

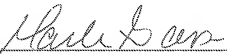
The claim calculation on page 2 of Exhibit A (the transmittal letter for the Supplemental Preliminary Amendment) was incorrectly prepared. After the Supplemental Preliminary

Application No. 10/566,144

Amendment, 29 claims remained in the application. The Total Claim Calculation should have read 29 - 25 (not 29 - 20). Consequently, we correctly paid for 4 additional claims with the Supplemental Preliminary Amendment filed March 14, 2007.

Based on the above, it is respectfully requested that a refund of \$250.00 be credited to our **Deposit Account No. 03-1728**.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By 
Mark Garscia
Reg. No. 31,953
626/795-9900

MEG/vdw

VDW PAS774911.1-01/18/08 1:41 PM

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

TRNEY'S DOCKET NUMBER

57036/M521

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/566,144

INTERNATIONAL APPLICATION NO.

PCT/DE2004/01668

INTERNATIONAL FILING DATE

26 July 2004

PRIORITY DATE CLAIMED

28 July 2003

TITLE OF INVENTION

DEVICE FOR THE STORAGE OF SOLID AND/OR LIQUID AND/OR GASEOUS OBJECTS

APPLICANT(S) FOR DO/EO/US

BERGSMANN, Martin; BERNDT, CLEMENS, Wolfgang; GERLT, Axel; HALIK, Marcus; MULLER, Matthias; ROST, Henning; SCHMID, Gunter; TREUTLEIN, Roland

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (25) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☐ Is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ Is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☒ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ An Application Data Sheet under 37 CFR 1.76.
18. ☒ A substitute specification.
19. ☐ A power of attorney and/or change of address letter.
20. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
21. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
22. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
23. ☐ Express Mail Label No. EV327821691 US

Exhibit A

U.S. APPLICATION NO (If known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/566,144		PCT/DE2004/01668		57036/M521	
24. Other items or information: Mark-up Copy of Specification Abstract Annotated Drawing Replacement Sheet					
The following fees have been submitted:				CALCULATIONS PTO USE	
25. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a)).				\$300	\$ 0.00
26. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))					
if the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article				\$0	\$ 0.00
All other situations.				\$200	
27. <input type="checkbox"/> Search fee (37 CFR 1.492(b))					
if the written opinion of the ISA/US or the international preliminary examination report by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).				\$0	
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the as an international Searching Authority.				\$100	\$ 0.00
International Search Report prepared by an ISA other than the US and provided to the previously communicated to the US by the IB.				\$400	
All other situations.				\$500	
TOTAL OF 25, 26 and 27 =					\$ 0.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) in an electronic medium or computer program listing in an electronic medium) (37 CFR 1.492(j)).					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE		
- 100 =	0 /50 =	0	x \$250.00	\$	\$ 0.00
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	29 - 20 =	4	x \$50.00	\$	\$200.00
Independent claims	1 - 3 =	0	x \$200.00	\$	\$0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/>				\$360.00	\$ 0.00
TOTAL OF ABOVE CALCULATIONS =				\$	\$200.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$	\$ 0.00
SUBTOTAL =				\$	\$200.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	\$ 0.00
TOTAL NATIONAL FEE =				\$	\$200.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property				\$	\$ 0.00
TOTAL FEES ENCLOSED =				\$	\$200.00
				Amount to be	\$
				Amount to be	\$

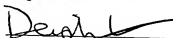
- a. ☒ A check in the amount of \$ \$200.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 03-1728. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. The PTO-2038 should only be mailed or faxed to the USPTO. However, when paying the basic national fee, the PTO-2038 may NOT be faxed to the USPTO.

ADVISORY: If filing by EFS-Web, do NOT attach the PTO-2038 form as a PDF along with your EFS-Web submission. Please be advised that this is not recommended and by doing so your credit card information may be displayed via PAIR. To

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Customer Number 23363
D. Bruce Prout, Esq.
Christie, Parker & Hale LLP
P.O. Box 7068
Pasadena, California 91109-7068
United States of America


SIGNATURE

Deidra D. Ritcherson
NAME

55,574
REGISTRATION NUMBER

14 March 2007
DATE

TRANSMITTAL LETTER TO THE UNITED STATES

57036/M521

DESIGNATED/ELECTED OFFICE (DO/EO/US)

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

N/A

INTERNATIONAL APPLICATION NO.

INTERNATIONAL FILING DATE

PRIORITY DATE CLAIMED

PCT/DE2004/001668

26 July 2004

28 July 2003

TITLE OF INVENTION

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3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application ~~as filed~~ (35 U.S.C. 371 (c)(2))
 - a. ☒ Is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
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 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
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 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). (unexecuted)
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

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15. ☐ A **FIRST** preliminary amendment.
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17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. EV 351242450 US
23. ☒ Other items or information:

Extra set of drawings

Exhibit B

U.S. APPLICATION NO (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
N/A		PCT/DE2004/001668		57036/M521	
The following fees are submitted:				CALCULATIONS	PTO USE
24. <input checked="" type="checkbox"/> Basic national fee		\$300		\$	\$300.00
25. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).		\$100		\$	\$200.00
All other situations.		\$200			
26. <input checked="" type="checkbox"/> Search fee					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority		\$100			
International Search Report prepared and provided to the Office		\$400			
All other situations.		\$500		\$	\$500.00
TOTAL OF 24, 25 and 26 =				\$	\$1,000.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE		
27 - 100 =	0 /50 =	0	x \$250.00	\$	\$0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	\$130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	25 - 20 =	5	x \$50.00	\$	\$250.00
Independent claims	3 - 3 =	0	x \$200.00	\$	\$0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> +				\$	\$360.00
TOTAL OF ABOVE CALCULATIONS =				\$	\$1,380.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	\$0.00
SUBTOTAL =				\$	\$1,380.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	\$130.00
TOTAL NATIONAL FEE =				\$	\$1,510.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +				\$	\$0.00
TOTAL FEES ENCLOSED =				\$	\$1,510.00
				Amount to be	\$
				Amount to be	\$

a. ☒ A check in the amount of \$ **\$1,510.00** to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.

c. ☒ The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **03-1728**. A duplicate copy of this sheet is enclosed.

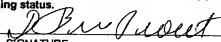
d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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CUSTOMER NUMBER: 23363

D. Bruce Prout
Christie, Parker and Hale, LLP
P.O. Box 7068
Pasadena, CA 91109-7068
Phone: 626-795-9900


 SIGNATURE
D. Bruce Prout
 NAME
 20,958
 REGISTRATION NUMBER